

TRANSPORTATION AUTHORITY OF MARIN DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM* FISCAL YEAR 2005/2006

I. Definitions of Terms

The terms used in this program have the meanings defined in 49 CFR §26.5.

II. Objectives / Policy Statement (§§26.1, 26.23)

The Transportation Authority of Marin (TAM) has established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. TAM has received federal financial assistance from the DOT, and as a condition of receiving this assistance, TAM will sign an assurance that it will comply with 49 CFR Part 26.

It is the policy of TAM to ensure that DBEs, as defined in Part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. It is also our policy:

- To ensure nondiscrimination in the award and administration of DOT-assisted contracts;
- To create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
- To ensure that the DBE Program is narrowly tailored in accordance with applicable law;
- To ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
- To help remove barriers to the participation of DBEs in DOT-assisted contracts; and
- To assist the development of firms that can compete successfully in the market place outside the DBE Program.

Bill Whitney has been delegated as the DBE Liaison Officer. In that capacity, Mr. Whitney is responsible for implementing all aspects of the DBE program. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by TAM in its financial assistance agreements with the California Department of Transportation (Caltrans).

TAM has disseminated this policy statement to the TAM Board and all components of our organization. We have distributed this statement to DBE and non-DBE business communities that perform work for us on DOT-assisted contracts.

* As defined in 49 CFR §26.5, a DBE is a for-profit "small business concern" that is at least 51 percent owned and controlled by one or more socially and economically disadvantaged individuals. The management and daily business operations must also be controlled by one or more such individuals. These individuals must be citizens of the United States and (1) Any individual who a recipient finds to be a socially and economically disadvantaged individual on a case-by-case basis, or (2) who are either Black Americans, Hispanic Americans, Native Americans, Asian-Pacific Americans, Subcontinent Asian Americans, women, or any other group found to be socially and economically disadvantaged by the Small Business Administration. This definition was revised in 1987 to include women. The DBE term includes the Minority Business Enterprise (MBE) and the Women-Owned Business Enterprise (WBE) programs.

III. Nondiscrimination (§26.7)

TAM will never exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by 49 CFR Part 26 on the basis of race, color, sex, or national origin.

In administering its DBE program, TAM will not, directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the DBE program with respect to individuals of a particular race, color, sex, or national origin.

IV. DBE Program Updates (§26.21)

TAM will continue to carry out this program until TAM has established a new goal setting methodology or until significant changes to this DBE Program are adopted. TAM will provide to Caltrans a proposed overall goal and goal setting methodology and other program updates by June 1 of every year.

V. Quotas (§26.43)

TAM will not use quotas or set asides in any way in the administration of this DBE program.

VI. DBE Liaison Officer (DBELO) (§26.25)

TAM has designated Bill Whitney as the DBE Liaison Officer. In that capacity, Mr. Whitney is responsible for implementing all aspects of the DBE program and ensuring that TAM complies with all provisions of 49 CFR Part 26. This is available on the Internet at <http://osdbuweb.dot.gov/main.cfm>. Mr. Whitney has direct, independent access to the TAM Executive Director concerning DBE matters. An organization chart displaying the DBELO's position in the organization is found in Attachment A to this program.

The contact information for Mr. Whitney is as follows:

Mr. Bill Whitney
Transportation Authority of Marin
3501 Civic Center Drive, Room 304
San Rafael, CA 94903
Telephone: (415) 507-2810
Facsimile: (415) 499-3799

The DBELO is responsible for developing, implementing and monitoring the DBE program, in coordination with other appropriate officials. Duties and responsibilities include the following:

1. Gathers and reports statistical data and other information as required.
2. Reviews third party contracts and purchase requisitions for compliance with this program.
3. Works with all departments to set overall annual goals.
4. Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.
5. Identifies contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract specific goals) and monitors results.

6. Analyzes TAM's progress toward goal attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.
8. Advises the Board on DBE matters and achievement.
9. Participates with the legal counsel and project director to determine contractor compliance with good faith efforts.
10. Provides DBEs with information and assistance in preparing bids, obtaining bonding and insurance.
11. Plans and participates in DBE training seminars.
12. Provides outreach to DBEs and community organizations to advise them of opportunities.

VII. Federal Financial Assistance Agreement Assurance (§26.13)

TAM will sign the following assurance, applicable to all DOT-assisted contracts and their administration as part of the program supplement agreement for each project:

The recipient shall not discriminate on the basis of race, color, sex, or national origin in the award and performance of any DOT-assisted contract or in the administration of its DBE Program or the requirements of 49 CFR Part 26. The recipient shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts. The recipient's DBE Program, as required by 49 CFR Part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the recipient of its failure to carry out its approved program, the Department may impose sanctions as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

VIII. DBE Financial Institutions

It is the policy of TAM to investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community, to make reasonable efforts to use these institutions, and to encourage prime contractors on DOT-assisted contracts to make use of these institutions.

Information on the availability of such institutions can be obtained from the DBE Liaison Officer. The Caltrans Disadvantaged Business Enterprise Program may offer assistance to the DBE Liaison Officer.

IX. Directory (§26.31)

TAM will refer interested persons to the DBE directory available from the Caltrans Disadvantaged Business Enterprise Program website at www.dot.ca.gov/hq/bep.

X. Overconcentration (§26.33)

TAM has not identified any types of work in DOT-assisted contracts that have an overconcentration of DBE participation. If in the future TAM identifies the need to address overconcentration,

measures for addressing overconcentration will be submitted to the District Local Assistance Engineer (DLAE) for approval.

XI. Business Development Programs (§26.35)

TAM does not have a business development or mentor-protégé program. If TAM identifies the need for such a program in the future, the rationale for adopting such a program and a comprehensive description of it will be submitted to the DLAE for approval.

XII. Required Contract Clauses (§§26.13, 26.29)

Contract Assurance

TAM ensures that the following clause is placed in every DOT-assisted contract and subcontract:

The contractor or subcontractor shall not discriminate on the basis of race, color, sex, or national origin in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as recipient deems appropriate.

Prompt Payment

TAM ensures that the following clauses or equivalent will be included in each DOT-assisted prime contract:

Prompt Progress Payment to Subcontractors

A prime contractor or subcontractor shall pay to any subcontractor not later than 10 days of receipt of each progress payment in accordance with the provision in Section 7108.5 of the California Business and Professions Code concerning prompt payment to subcontractors. The 10 days is applicable unless a longer period is agreed to in writing. Any delay or postponement of payment over 30 days may take place only for good cause and with the agency's prior written approval. Any violation of Section 7108.5 shall subject the violating contractor or subcontractor to the penalties, sanctions, and other remedies of that Section. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies otherwise available to the contractor or subcontractor in the event of a dispute involving late payment, nonpayment by the contractor, deficient subcontractor performance, or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.

Prompt Payment of Withheld Funds to Subcontractors

The agency shall hold retainage from the prime contractor and shall make prompt and regular incremental acceptances of portions, as determined by the agency of the contract work and pay retainage to the prime contractor based on these acceptances. The prime contractor or subcontractor shall return all monies withheld in retention from all subcontractors within 30 days after receiving payment for work satisfactorily completed and accepted, including incremental acceptances of portions of the contract work by the agency. Any delay or postponement of payment may take place only for good cause and with the agency's prior written approval. Any violation of these

provisions shall subject the violating prime contractor to the penalties, sanctions, and other remedies specified in Section 7108.5 of the California Business Professions Code. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies otherwise available to the prime contractor or subcontractor in the event of a dispute involving late payment, nonpayment by the contractor, deficient subcontractor's performance, or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.

XIII. Monitoring and Enforcement Mechanisms (§26.37)

TAM will assign a Resident Engineer (RE) or Contract Manager for DOT-assisted prime contracts to monitor and track actual DBE participation through contractor and subcontractor reports of payments in accordance with the following:

After Contract Award

After the contract award TAM will review the award documents for the portion of items each DBE and first tier subcontractor will be performing and the dollar value of that work. With these documents the RE/Contract Manager will be able to determine the work to be performed by the DBEs or subcontractors listed.

Preconstruction Conference

A preconstruction conference will be scheduled between the RE and the contractor or their representative to discuss the work each DBE subcontractor will perform.

Before work can begin on a subcontract, the local agency will require the contractor to submit a completed "Subcontracting Request" (Exhibit 16-B of the LAPM) or equivalent. When the RE receives the completed form it will be checked for agreement of the first tier subcontractors and DBEs. The RE will not approve the request when it identifies someone other than the DBE or first tier subcontractor listed in the previously completed "Local Agency Bidder DBE Information" (Exhibit 15-G). The "Subcontracting Request" will not be approved until any discrepancies are resolved. If an issue cannot be resolved at that time, or there is some other concern, the RE will require the contractor to eliminate the subcontractor in question before signing the subcontracting request. A change in the DBE or first tier subcontractor may be addressed during a substitution process at a later date.

Suppliers, vendors, or manufacturers listed on the "Local Agency Bidder DBE Information" will be compared to those listed in the completed Exhibit 16-I of the LAPM or equivalent. Differences must be resolved by either making corrections or requesting a substitution.

Substitutions will be subject to the Subletting and Subcontracting Fair Practices Act (FPA). Local agencies will require contractors to adhere to the provisions within Subletting and Subcontracting Fair Practices Act (State Law) Sections 4100-4114. The FPA requires the contractor to list all subcontractors in excess of one half of one percent (0.5%) of the contractor's total bid or \$10,000, whichever is greater. The statute is designed to prevent bid shopping by contractors. The FPA explains that a contractor may not substitute a subcontractor listed in the original bid except with the approval of the awarding authority.

The RE will give the contractor a blank Exhibit 17-F, "Final Report Utilization of Disadvantaged Business Enterprises, First Tier Subcontractors," and will explain to them that the document will be required at the end of the project, for which payment can be withheld, in conformance with the contract.

Construction Contract Monitoring

The RE/Contract Manager will ensure that the RE's staff (inspectors) know what items of work each DBE is responsible for performing. Inspectors will notify the RE/Contract Manager immediately of apparent violations.

When a firm other than the listed DBE subcontractor is found performing the work, the RE/Contract Manager will notify the contractor of the apparent discrepancy and potential loss of payment. Based on the contractor's response, the RE/Contract Manager will take appropriate action. The DBE Liaison Officer will perform a preliminary investigation to identify any potential issues related to the DBE subcontractor performing a commercially useful function. Any substantive issues will be forwarded to the Caltrans Disadvantaged Business Enterprise Program. If the contractor fails to adequately explain why there is a discrepancy, payment for the work will be withheld and a letter will be sent to the contractor referencing the applicable specification violation and the required withholding of payment.

If the contract requires the submittal of a monthly truck document, the contractor will be required to submit documentation to the RE/Contract Manager showing the owner's name, California Highway Patrol CA number, and the DBE certification number of the owner of the truck for each truck used during that month for which DBE participation will be claimed. The trucks will be listed by California Highway Patrol CA number in the daily diary or on a separate piece of paper for documentation. The numbers are checked by inspectors regularly to confirm compliance.

Providing evidence of DBE payment is the responsibility of the contractor.

Substitution

When a DBE substitution is requested, the RE/Contract Manager will request a letter from the contractor explaining why substitution is needed. The RE/Contract Manager must review the letter to be sure names and addresses are shown, dollar values are included, and reason for the request is explained. If the RE/Contract Manager agrees to the substitution, the RE/Contract Manager will notify, in writing, the DBE subcontractor regarding the proposed substitution and procedure for written objection from the DBE subcontractor in accordance with the Subletting and Subcontracting Fair Practices Act. If the contractor is not meeting the contract goal with this substitution, the contractor must provide the required good faith effort to the RE/Contract Manager for local agency consideration.

If there is any doubt in the RE/Contract Manager's mind regarding the requested substitution, the RE/Contract Manager may contact the DLAE for assistance and direction.

Record Keeping and Final Report Utilization of Disadvantaged Business Enterprises

The contractor shall maintain records showing the name and address of each first-tier subcontractor. The records shall also show:

1. The name and business address, regardless of tier, of every DBE subcontractor, DBE vendor of materials and DBE trucking company.
2. The date of payment and the total dollar figure paid to each of the firms.
3. The DBE prime contractor shall also show the date of work performed by their own forces along with the corresponding dollar value of the work claimed toward DBE goals.

When a contract has been completed, the contractor will provide a summary of the records stated above. The DBE utilization information will be documented on the form "Final Report - Utilization of Disadvantaged Business Enterprises (DBE), First-Tier Subcontractors" (Exhibit 17-F) and will be submitted to the DLAE attached to the Report of Expenditures. The RE/Contract Manager will compare the completed "Final Report - Utilization of Disadvantaged Business Enterprises (DBE), First-Tier Subcontractors" form to the contractor's completed "Local Agency Bidder DBE Information" (Exhibit 15-G) and, if applicable, to the completed "Subcontracting Request" (Exhibit 16-B). The DBEs shown on the completed "Final Report - Utilization of Disadvantaged Business Enterprises (DBE), First-Tier Subcontractors" form should be the same as those originally listed unless an authorized substitution was allowed, or the contractor used more DBEs and they were added. The dollar amount should reflect any changes made in planned work done by the DBE. The contractor will be required to explain in writing why the names of the subcontractors, the work items or dollar figures are different from what was originally shown on the completed "Local Agency Bidder DBE Information" form when:

- There have been no changes made by the RE/Contract Manager.
- The contractor has not provided a sufficient explanation in the comments section of the completed "Final Report - Utilization of Disadvantaged Business Enterprises (DBE), First-Tier Subcontractors" form.

The explanation will be attached to the completed "Final Report - Utilization of Disadvantaged Business Enterprises (DBE), First-Tier Subcontractors" form for submittal. The RE/Contract Manager will file this in the project records.

The local agency's Liaison Officer will keep track of the DBE certification status on the Internet at www.dot.ca.gov/hq/bep and keep the RE/Contract Manager informed of changes that affect the contract. The RE/Contract Manager will require the contractor to act in accordance with existing contractual commitments regardless of decertification.

The DLAE will use the PS&E checklist to monitor TAM's commitment to require the bidders list information to be submitted to TAM from the awarded prime and subcontractors as a means to develop a bidders list. This monitoring will only take place if the bidders list information is required to be submitted as stipulated in the special provisions.

TAM will bring to the attention of the DOT through the DLAE any false, fraudulent, or dishonest conduct in connection with the program, so that DOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under

suspension and debarment or Program Fraud and Civil Penalties rules) provided in §26.109. TAM will also consider similar action under our own legal authorities, including responsibility determinations in future contracts.

XIV. Overall Goals (§26.45)

Amount of Goal

TAM's overall goal for the federal fiscal year FY 2005/2006 is 10% of the federal financial assistance in DOT-assisted contracts. This overall goal is broken down into 100% race-conscious and 0% race-neutral components.

Methodology

FHWA-ASSISTED CONTRACTING PROGRAM FOR FY 2005/2006

TAM will receive federal funds for only one project in FY 2005/2006, STP-Congestion Management Planning (CMP). Funds for this project are applied to both staff and subconsultant costs. No specific subconsultant needs have been identified; however, relevant potential subconsultant contracts may be divided into three categories: Traffic, Planning, and/or Modeling, all of which are captured under NAICS 54133, Engineering Services. Consultant contract could potentially account for approximately 30% of the STP-CMA funds.

Work Category	Estimated Federal Dollars
STP-CMP Planning	\$390,000

GOAL – METHODOLOGY

Step 1: Determination of TAM's Base Figure

The following methodology was used to establish the base figure of relative DBE availability for FY 2005/2006:

Only one category of work (North American Industrial Classification System [NAICS]) applicable is to planning projects. The DBEs within this NAICS code, defined as willing to work either in Marin County or statewide, were identified. This data was then refined to DBE subcontractors based within a 7-county area (Alameda, Contra Costa, Marin, Napa, San Francisco, Solano, and Sonoma). (See Attachment B, Step 1 Source Data). Since TAM was formed in 2004, this market area was defined based on Marin County's experience with subconsultants on federally-funded projects over the last three years.

This analysis resulted in a base goal of **10%**. Table A below tabulates TAM's 10% base figure.

TABLE A: Calculation of Base Figure:

Project Description	Federal Funds	% of work relating to NAICS	Federal Funds per specific NAICS code	NAICS code	Relative Availibility of DBE to Total Firms*
	\$390,000				
STP-CMP Planning		100.0%	\$390,000	54133	10.0%
Totals			\$390,000		
			DBE Base Goal:		10.0%
* No. DBE Firms / All Firms (See Attachment B, Step 1 Source Data worksheet)					

Step 2: Adjusting TAM's Base Figure

After establishing the base goal, TAM reviewed and assessed other known relevant evidence to determine what additional adjustments, if any, were needed to narrowly tailor the base goal to TAM's marketplace and contracting program. Because TAM was formed in 2004, it does not have prior history to draw upon to refine the base goal, nor are there any known discrepancy studies that could be used to tailor the base goal.

Step 3: Overall DBE Goal

In consideration of all the evidence described above, as well as our knowledge of our contracting market, TAM has determined that the appropriate overall DBE goal for FHWA-assisted Authority projects in FY 2005/2006 is **10%**, reflecting projected market availability of DBE firms.

UTILIZATION OF RACE-NEUTRAL AND RACE-CONSCIOUS METHODS

100% of TAM's FY 2005/2006 DBE goal of **10%** is anticipated to be accomplished through race-conscious measures, which includes establishing specific goals on contracts with subcontracting possibilities, when needed, to meet TAM's overall annual DBE goal. Because TAM administers a very limited number of FHWA-funded projects, the use of a contract goal is the best way to ensure meeting the annual DBE goal.

In addition, TAM will use Race-Neutral methods to further promote DBE participation. Such steps may include making efforts to assure that bidding and contract requirements facilitate participation by DBEs and other small businesses; unbundling large contracts to make them more accessible to small businesses; encouraging prime contractors to subcontract portions of the work that they might otherwise perform themselves; and providing technical assistance, and other support services to facilitate consideration of DBEs and other small businesses.

PUBLIC PARTICIPATION IN SETTING FINAL OVERALL ANNUAL DBE GOALS

In conformance with the Public Participation Regulatory Requirements of 49 CFR Part 26.45 and Caltrans Local Assistance Procedures Manual (LAPM) Chapter 9, this goal analysis will be reviewed with minority, women, local business chambers, community organizations, and other U.S. DOT recipients. These entities are knowledgeable about the availability of disadvantaged and non-disadvantaged businesses and the effects of discrimination on contracting opportunities for DBEs within TAM's marketplace.

XV. Contract Goals (§26.51)

TAM will use contract goals to meet any portion of the overall goal TAM does not project being able to meet by the use of race-neutral means. Contract goals are established so that, over the period to which the overall goal applies, they will cumulatively result in meeting any portion of the overall goal that is not projected to be met through the use of race-neutral means.

Contract goals will be established only on those DOT-assisted contracts that have subcontracting possibilities. Contract goals need not be established on every such contract, and the size of contract goals will be adapted to the circumstances of each such contract (e.g., type and location of work, availability of DBEs to perform the particular type of work). The contract work items will be compared with eligible DBE contractors willing to work on the project. A determination will also be made to decide which items are likely to be performed by the prime contractor and which ones are likely to be performed by the subcontractor(s). The goal will then be incorporated into the contract documents. Contract goals will be expressed as a percentage of the total amount of a DOT-assisted contract.

XVI. Good Faith Efforts (§26.53)

Information to be Submitted

TAM treats bidder/offers' compliance with good faith effort requirements as a matter of responsiveness. A responsive proposal is one meeting all the requirements of the advertisement and solicitation.

Each solicitation for which a contract goal has been established will require the bidders/offers to submit the following information to TAM no later than 4:00 p.m. on or before the fourth day, not including Saturdays, Sundays and legal holidays, following bid opening or proposal due date:

1. The names and addresses of known DBE firms that will participate in the contract;
2. A description of work that each DBE will perform;
3. The dollar amount of the participation of each DBE firm participating;
4. Written and signed documentation of commitment to use a DBE subcontractor whose participation it submits to meet a contract goal;
5. Written and signed confirmation from the DBE that it is participating in the contract as provided in the prime contractor's commitment; and
6. If the contract goal is not met, evidence of good faith efforts.

Demonstration of Good Faith Efforts

The obligation of the bidder/offeror is to make good faith efforts. The bidder/offeror can demonstrate that it has done so either by meeting the contract goal or documenting good faith efforts. Examples of good faith efforts are found in Appendix A to Part 26.

The DBELO is responsible for determining whether a bidder/offeror who has not met the contract goal has documented sufficient good faith efforts to be regarded as responsive.

TAM will ensure that all information is complete and accurate and adequately documents the bidder/offeror's good faith efforts before a commitment to the performance of the contract by the bidder/offeror is made.

Administrative Reconsideration

Within 10 days of being informed by TAM that it is not responsive because it has not documented sufficient good faith efforts, a bidder/offeror may request administrative reconsideration. Bidder/offerors should make this request in writing to the Executive Director. The Executive Director will not have played any role in the original determination that the bidder/offeror did not make or document sufficient good faith efforts.

As part of this reconsideration, the bidder/offeror will have the opportunity to provide written documentation or argument concerning the issue of whether it met the goal or made adequate good faith efforts to do so. The bidder/offeror will have the opportunity to meet in person with the Executive Director to discuss the issue of whether it met the goal or made adequate good faith efforts to do so. TAM will send the bidder/offeror a written decision on reconsideration, explaining the basis for finding that the bidder did or did not meet the goal or make adequate good faith efforts to do so. The result of the reconsideration process is not administratively appealable to Caltrans, FHWA or the DOT.

Good Faith Efforts when a DBE is Replaced on a Contract

TAM will require a contractor to make good faith efforts to replace a DBE that is terminated or has otherwise failed to complete its work on a contract with another certified DBE, to the extent needed to meet the contract goal. The prime contractor is required to notify the RE/Contract Manager immediately of the DBE's inability or unwillingness to perform and provide reasonable documentation.

In this situation, the prime contractor will be required to obtain prior approval from TAM of the substitute DBE and to provide copies of new or amended subcontracts, or documentation of good faith efforts. If the contractor fails or refuses to comply in the time specified, TAM will issue an order stopping all or part of payment/work until satisfactory action has been taken. If the contractor still fails to comply, TAM may issue a termination for default proceeding.

XVII. Counting DBE Participation (§26.55)

TAM will count DBE participation toward overall and contract goals as provided in the contract specifications for the prime contractor, subcontractor, joint venture partner with prime or subcontractor, or vendor of material or supplies.

XVIII. Certification (§26.83(a))

TAM ensures that only DBE firms currently certified on the Caltrans' directory will participate as DBEs in our program.

XIX. Information Collection and Reporting

Bidders List

TAM will create and maintain a bidders list, consisting of information about all DBE and non-DBE firms that bid or quote on its DOT-assisted contracts. The bidders list will include the name, address, DBE/non-DBE status, age, and annual gross receipts of firms.

Monitoring Payments to DBEs

Prime contractors are required to maintain records and documents of payments to DBEs for three years following the performance of the contract. These records will be made available for inspection upon request by any authorized representative of TAM, Caltrans, FHWA, or DOT. This reporting requirement also extends to any certified DBE subcontractor.

Payments to DBE subcontractors will be reviewed by TAM to ensure that the actual amount paid to DBE subcontractors equals or exceeds the dollars amounts stated in the schedule of DBE participation.

Reporting to Caltrans

TAM's final utilization of DBE participation will be reported to the DLAE using Exhibit 17-F of the Caltrans' LAPM.

Confidentiality

TAM will safeguard from disclosure to third parties information that may reasonable be regarded as confidential business information, consistent with federal, state, and local laws.

Bill Whitney, DBE Liaison Officer

Date

This Disadvantaged Business Enterprise Program is accepted by:

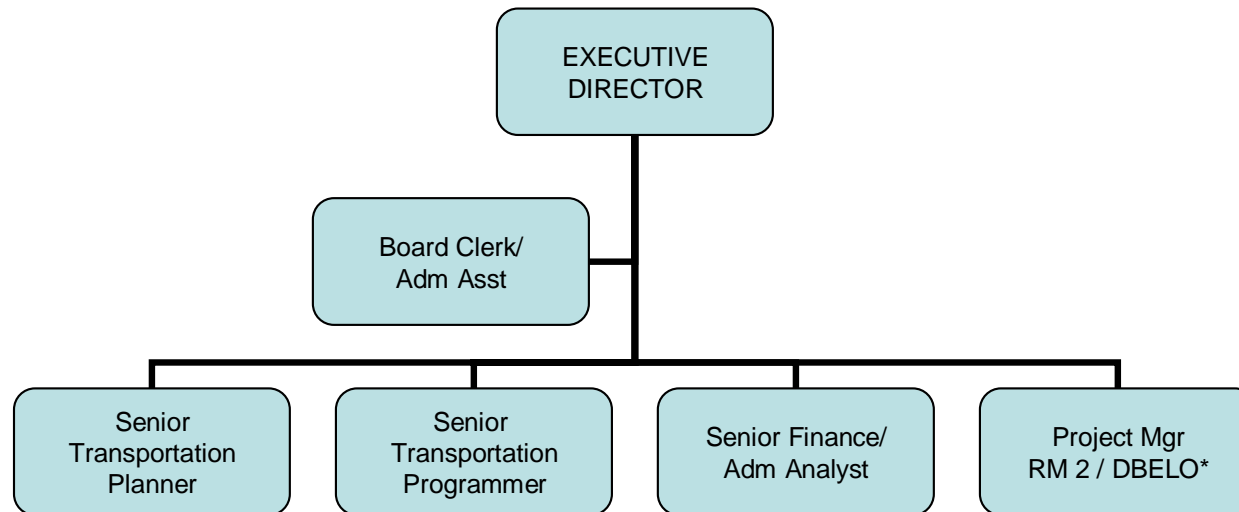
[Signature of DLAE]

Date

Attachment A

Transportation Authority of Marin

Organizational Chart



*Bill Whitney
415-507-2810 bwhitney@co.marin.ca.us

Attachment B				
FY 2005/2006				
Step 1 - Source Data				
		Engineering Services		
		NAICS = 54133		
	Counties:	# of DBE firms	Total # for all businesses	
	Alameda	41	436	
	Contra Costa	27	345	
	Marin	3	84	
	Napa	1	38	
	San Francisco	52	255	
	Solano	8	50	
	Sonoma	1	128	
	Total	133	1336	
	% DBE / All Businesses		10.0%	
Source data:				
# DBE Firms - Derived from Caltrans DBE Query				
# All Firms - Derived from Census data per NAICS per County				